

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CELESTE WILLIAMS, et al.,

INDEX NO. 07-CV-3978

and

and

KISHMA PICKERING, et al.

INDEX NO. 07-CV-4798

Plaintiffs,

FLSA COLLECTIVE ACTION
AND RULE 23 CLASS ACTION

v.

TWENTY ONES, INC. d/b/a THE 40/40
CLUB, et al.,

JURY TRIAL DEMANDED

JUDGE PRESKA

Defendants.

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ORDER GRANTING MOTION FOR CONDITIONAL CERTIFICATION

Before the Court is Plaintiffs' Motion for Conditional Certification. After reviewing the motion, the response, the reply and the submissions of the parties, the Court is of the opinion that the motion is well taken. It is, therefore,

ORDERED that Plaintiffs' Motion for Conditional Certification is, hereby, **GRANTED**. Accordingly, the Court **ORDERS** the following:

- (1) that this action is conditionally certified as a collective action under Section 16(b) of the Fair Labor Standards Act, 29 U.S.C. § 201, *et seq.* ;
- (2) that Plaintiffs are authorized to send an approved Notice (*See* Exhibit A to Plaintiffs' motion) of this action along with a Consent form (opt-in form) (*See* Exhibit B to Plaintiffs' motion) to all hourly employees employed by Defendants within the last three years ("Covered Employees");

(3) that Defendants shall produce the names, last known mailing addresses, alternate addresses, all telephone numbers, last known email addresses, and dates of employment of all Covered Employees in a computer readable data file to Plaintiffs' counsel within ten (10) days of the date of this Order; and that

(4) Defendants shall post the Notice, along with the Consent forms, in a place where putative plaintiffs are likely to view it.

SO ORDERED:

Dated: New York, New York
_____, 2008.

LORETTA A. PRESKA, U.S.D.J.